

1 CRAIG H. MISSAKIAN (CABN 125202)
2 United States Attorney

3 MARTHA BOERSCH (CABN 126569)
4 Chief, Criminal Division

5 E. WISTAR WILSON (CABN 324705)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-7234
Wistar.Wilson@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) Case No. 3:24-cr-00190-001 CRB
14 Plaintiff,)
15 v.)
16 EDUAR RODRIGUEZ-GARCIA,)
17 Defendant.)

) **UNITED STATES' SENTENCING
MEMORANDUM**
)
) Hearing Date: October 31, 2025
) Hearing Time: 10:00 a.m.
) Courtroom: Crtrm 6, 17th Fl.
) Hon. Charles R. Breyer

18
19 **I. INTRODUCTION**

20 Defendant Eduar Rodriguez-Garcia was arrested for dealing drugs twice within a four-month
21 period in 2023. On August 16, 2023, law enforcement found him in possession of a loaded firearm and
22 over 400 grams (gross) of fentanyl, 75 grams (gross) of methamphetamine, and 25 grams (gross) of
23 cocaine base. On December 17, 2023, Rodriguez-Garcia was again found in possession of fentanyl
24 (over 260 grams (gross)) and heroin, in addition to a large knife. Following the March 2024 indictment
25 in this case and his release on conditions pending trial, Rodriguez-Garcia cut off his ankle monitor and
26 absconded for nine months before being arrested in Oregon and returned to this District.

27 Rodriguez-Garcia pleaded guilty on July 30, 2025 to two counts of Possession with Intent to
28 Distribute Fentanyl, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(vi) (Counts One and Four) and

1 one count of Possession with Intent to Distribute Methamphetamine, in violation of 21 U.S.C. §
 2 841(a)(1) and (b)(1)(B)(viii). Dkt. 90. He is scheduled to be sentenced on October 31, 2025 at 10:00
 3 a.m. before this Court.

4 For the reasons articulated below, the Government recommends that the Court sentence Mr.
 5 Rodriguez-Garcia to a total of 83 months' imprisonment. This sentence is sufficient, but not greater
 6 than necessary, to achieve the goals set forth in 18 U.S.C. § 3553(a), including the need for the sentence
 7 imposed to reflect the seriousness of the offense, promote respect for the law, provide just punishment,
 8 and deter criminal conduct. *See* 18 U.S.C. § 3553(a).

9 **II. OFFENSE CONDUCT**

10 The charges in this case stem from two separate drug dealing incidents in 2023 that took place
 11 only four months apart. On August 16, 2023, shortly before 8 p.m., law enforcement officers
 12 conducting live video surveillance of the area of 7th and Market Streets in San Francisco, California,
 13 observed an individual—co-defendant Jose Martinez-Ruello—engage in a hand-to-hand drug
 14 transaction with an unknown man. *See* Presentence Investigation Report (“PSR”), Dkt. 99, at ¶ 7.
 15 Moments later, an unknown woman approached Martinez-Ruello, but he shook his head and directed the
 16 woman to Rodriguez-Garcia. *Id.* at ¶ 8. Officers then watched as Rodriguez-Garcia engaged in a hand-
 17 to-hand drug transaction with the woman. *Id.* They placed both Rodriguez-Garcia and Martinez-Ruello
 18 under arrest. *Id.* at ¶ 9.

19 During a search incident to arrest, officers found on Rodriguez-Garcia 404.7 grams (gross) of
 20 fentanyl, 75.9 grams (gross) of methamphetamine, 25.5 grams (gross) of cocaine base, a digital scale,
 21 two cell phones, over \$290 in cash, and—in the backpack Rodriguez-Garcia was wearing—a .40-caliber
 22 Glock 22 firearm loaded with nine rounds of ammunition. *Id.* Law enforcement also searched
 23 Martinez-Ruello and found 124 grams (gross) of fentanyl, 2 grams (gross) of methamphetamine, 2.6
 24 grams (gross) of cocaine base, a digital scale, and over \$400 in cash on his person. *Id.* at ¶ 10.

25 Rodriguez-Garcia, evidently undeterred by this August arrest, was observed again on December
 26 17, 2023 conducting a hand-to-hand drug transaction, this time on Hyde Street in San Francisco at
 27 approximately 9:30 pm. PSR at ¶ 11. Martinez-Ruello was not present. During a search incident to
 28 arrest, law enforcement officers located on Rodriguez-Garcia's person (including in his backpack) 263

1 grams (gross) of fentanyl, 7.3 grams (gross) of heroin, a large knife, a cell phone, and \$628 in cash. *Id.*
 2 at ¶ 12.

3 A March 27, 2024 indictment charged Rodriguez-Garcia on three drug-trafficking counts—two
 4 for the August 17, 2023 offense conduct and one for the December 17, 2023 offense conduct. Dkt. 20.
 5 The same indictment charged Martinez-Ruello with one drug-trafficking count for his offense conduct
 6 on August 17, 2023. *Id.*

7 On April 9, 2024, Rodriguez-Garcia was ordered released pending trial, subject to release
 8 conditions that included location monitoring. PSR at ¶ 5. Less than two months later, Rodriguez-Garcia
 9 cut off his ankle monitor and absconded from supervision. *Id.* He remained in absconder status for nine
 10 months before authorities located him on March 6, 2025 at an apartment in Portland, Oregon, in which
 11 they also located drugs, a substantial amount of cash, and a firearm.¹ *Id.* at ¶ 14. Rodriguez-Garcia
 12 provided a false name and was uncooperative during that encounter with law enforcement, fighting with
 13 two officers as they took him into custody. *Id.* He was subsequently transported to this District in
 14 custody to face the charges in this case.

15 III. GUIDELINES CALCULATION

16 The government agrees with the U.S. Sentencing Guidelines (“Guidelines”) calculation set forth
 17 by U.S. Probation (and by the parties in the Plea Agreement), which results in a Total Offense Level of
 18 31. *See* PSR ¶ 28; Dkt. 89 at ¶ 7. Specifically, the Base Offense Level is 30, a 2-level enhancement
 19 under U.S.S.G. § 2D1.1(b)(1) applies for possessing a dangerous weapon (firearm) in connection with
 20 the offense, a 2-level enhancement under U.S.S.G. § 3C1.1 applies for absconding from supervision, and
 21 a 3-level reduction under U.S.S.G. § 3E1.1 applies for accepting responsibility.² *See* PSR at ¶¶ 19-28.

22
 23 ¹ Law enforcement in the District of Oregon encountered Rodriguez-Garcia while executing a
 warrant for another individual who was associated with the apartment in Portland, Oregon. The
 24 government understands that at least one other person was in the apartment when Rodriguez-Garcia was
 found there. The defendant disputes that he was in the apartment when he was contacted by law
 25 enforcement. *See* PSR at ¶ 15.

26 ² Although the 3-level reduction for acceptance of responsibility ordinarily does not apply where
 the defendant is subject to the 2-level enhancement under U.S.S.G. § 3C1.1 for obstruction of justice,
 27 the specific facts and circumstances of this case render it an “extraordinary case” in which both
 adjustments apply. *See* U.S.S.G. § 3E1.1 Appl. Note. 4; *United States v. Hopper*, 27 F.3d 378, 383 (9th
 Cir. 1994) (holding that a case is “extraordinary” for purposes of Application Note 4 where the
 defendant’s obstructive conduct is *not inconsistent* with the defendant’s acceptance of responsibility,
 which occurs when a defendant, “although initially attempting to conceal the crime, eventually accepts
 U.S. SENT’G MEM.

1 The Guidelines range for a Total Offense Level of 31, for an individual with Criminal History
2 Category I, is 108 to 135 months' imprisonment. *See* PSR at ¶ 60. Each of the counts to which
3 Rodriguez-Garcia has pled guilty carries a mandatory minimum sentence of 60 months' imprisonment
4 and four years of supervised release. *See* 21 U.S.C. § 841(a)(1) and (b)(1)(B). A sentence of 83
5 months' imprisonment, as recommended and discussed by below, represents a 25-month downward
6 variance from the applicable Guidelines range.

7 **IV. SENTENCING RECOMMENDATION**

8 The government recommends that the Court sentence Rodriguez-Garcia to 83 months'
9 imprisonment, followed by four years of supervised release. Such a sentence would be sufficient, but
10 not greater than necessary, to achieve the purposes set forth in 18 U.S.C. § 3553(a)—including
11 promoting respect for the law, reflecting the seriousness of the offense, providing just punishment, and
12 affording adequate deterrence to criminal conduct. It would accomplish these objectives while also
13 appropriately accounting for mitigating factors applicable to Rodriguez-Garcia's case.

14 On two separate occasions in 2023, Rodriguez-Garcia was found in the Tenderloin in possession
15 of significant quantities of drugs, including fentanyl, after being observed conducting hand-to-hand drug
16 sales. Rodriguez-Garcia possessed a loaded firearm during the first incident, and a large knife in
17 connection with the second. Carrying a loaded firearm in connection with drug-trafficking—an already
18 dangerous activity with significant potential for physical violence—only heightens the risk of violence.
19 Of particular concern, Rodriguez-Garcia's arrest in August 2023 appears to have had little, if any
20 deterrent effect on his criminal activity; it took only four months for him to be arrested a second time
21 engaging in the same conduct.

22 Rodriguez-Garcia's absconding from pretrial supervision is a significant aggravating factor in
23 this case. Not only did he cut off his ankle monitor and flee, when he was apprehended, he lied to
24 officers by providing them a false name and then physically fought with them as they attempted to place
25 him under arrest. The circumstances in which he was found—in an apartment with drugs, a large
26 amount of cash, and a firearm—suggest he was still engaging in, or at least associating closely with

27
28 responsibility for the crime and abandons all attempts to obstruct justice.”) (emphasis in original).

1 others engaging in, drug-dealing activity. There is thus a heightened need in this case for the sentence to
 2 convey the seriousness of the offenses and promote specific deterrence; Rodriguez-Garcia has
 3 repeatedly engaged in serious criminal conduct and demonstrated a brazen disregard for the law,
 4 including court orders.

5 A sentence of 83 months' imprisonment would balance appropriately the need to advance the
 6 goals of sentencing set forth in 18 U.S.C. § 3553(a) while accounting for Rodriguez-Garcia's history and
 7 personal characteristics. Although his criminal history includes four other drug-trafficking arrests
 8 between January 2022 and December 2023, Rodriguez-Garcia does not have any prior criminal
 9 convictions. *See PSR at ¶ 31, 34-39.* Upon returning to this District in March 2025, Rodriguez-Garcia
 10 indicated promptly his intention to plead guilty and accept responsibility. This case will be his first
 11 federal conviction and this sentence his first significant period of time in custody. He is relatively young
 12 and has expressed remorse for his actions and the impact they have had on his family and the
 13 community. *See PSR at ¶ 16.* In light of the foregoing and Rodriguez-Garcia's history, *see PSR at ¶ 43-*
 14 *50,* a 25-month downward variance from the low end of the applicable Guidelines range is appropriate
 15 in this case.

16 **V. CONCLUSION**

17 For the reasons set forth above, a sentence of 83 months' imprisonment, followed by four years
 18 of supervised release, is sufficient, but not greater than necessary, to achieve the purposes of sentencing
 19 set forth in 18 U.S.C. § 3552(a). The government requests that the Court sentence Mr. Rodriguez-
 20 Garcia accordingly.

21
 22 DATED: October 24, 2025

Respectfully submitted,

23 CRAIG H. MISSAKIAN
 24 United States Attorney

25 _____
 26 */s/ E. Wistar Wilson*
 27 E. WISTAR WILSON
 28 Assistant United States Attorney